

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 705

An Act to amend and reenact § 18 and § 21, as amended, of Chapter 44 of the Acts of Assembly of 1937, which provided a charter for the Town of Front Royal, in Warren County, relating to penalties.

[H 374]

Approved April 6, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 18 and § 21, as amended, of Chapter 44 of the Acts of Assembly of 1937 are amended and reenacted as follows:

§ 18. The council of the town shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town and of all property, real and personal, belonging to said town and may make such ordinances and by-laws relating to the same as they shall deem proper. The council shall in addition to other powers given by law, have power to make such ordinances, orders, by-laws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

First. To establish a market in and for said town, provide for the appointment of proper officers therefor, prescribe the time and places for holding the market, provide suitable grounds and buildings therefor, and enforce such regulations as shall be necessary and proper to prevent huckstering, forestalling, or regrating.

Second. To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, jails and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town and the performance of its duties and functions.

Third. To establish, maintain, and operate waterworks and sewer systems within and without the town; to purchase water therefor; to contract and agree with the owners of any land, springs or water supplies for the use of or purchase thereof, or have same condemned according to law, for the location, extension, or enlargement of the said waterworks, or sewer system, either or both, the pipes connected therewith, and the fixtures or appurtenances thereof; and to protect from injury by ordinance, prescribing adequate penalties, the said waterworks, water supplies, sewer systems, pipes, fixtures, and land or anything connected therewith whether within or without the limits of the town.

Fourth. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks and public alleys in said town, and have them kept in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, and may prevent or remove any structure, obstruction, or encroachment over, or under, or in any street, sidewalk, or alley in said town, and may permit shade trees to be planted along said streets; but no person shall occupy with his works, or any appurtenances thereof, the streets, side-walks, or alleys of the town, without the consent of the council, duly entered upon its records; provided that so long as the said town shall, at its own expense, maintain and keep its streets in good order and repair, it shall be exempt from all labor and tax for county road purposes.

Fifth. To prevent the cumbering of streets, sidewalks, alleys, lanes, or bridges in the town in any manner whatever.

Sixth. To determine and designate the route and grade of any public utility laid out in said town.

Seventh. To make provisions for and regulate weights, measures and standards.

Eighth. To secure the inhabitants from contagious, infectious, or other dangerous diseases; to establish, erect, and regulate hospitals; to provide for and enforce the removal of patients to said hospitals; to appoint and organize a board of health for said town, with the necessary authority for the prompt and efficient performance of its duties.

Ninth. To require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same or the owner or owners of the ground whereon the same shall be; to regulate or prevent soap factories and candle factories within the town, and the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and to regulate the transportation of coal, explosives, garbage and other articles through the streets of the town, and to restrain and regulate the speed of locomotive engines and cars upon the railroads within the town.

Tenth. If any ground in said town shall be subject to be covered with stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such grounds to be filled, raised, or drained, or may cause such substance to be covered or to be removed therefrom, and may collect the expense of so doing from

the owner or owners, occupier or occupiers, or any of them (except in cases where such nuisance is caused by the action of the town authorities or their agents, or by natural causes beyond the control of the owner or occupant, in which case the town shall pay the expense of abating the same), by distress and sale in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected; provided, that reasonable notice and an opportunity to be heard shall be first given to said owners or their agents. In case of nonresident owners who have no agent in said town, such notice shall be given by publication at least once a week for not less than four consecutive weeks in any newspaper having general circulation in the said town.

Eleventh. To regulate and direct the location and construction of all buildings for the storage of gunpowder, explosives and combustible substances; to regulate the sale and use of gunpowder, explosives, firecrackers, fireworks, kerosene oil, gasoline, or other combustible material; to regulate or prohibit the exhibition of fireworks, the discharge of firearms, the use of lights or candles in barns and stables and other outbuildings within the town, and to restrain the making of bonfires within the town.

Twelfth. To prevent hogs, cows, horses, dogs, and other animals from running at large in the said town, and to subject the same to such confiscation, regulations, and taxes as they may deem proper, and to prevent the keeping of hogs within the limits of the town.

Thirteenth. To regulate the riding and driving of horses and other animals and the operation of motor and other vehicles, but not in conflict with State law; to prevent the throwing of stones or engaging in any employment or sport on the streets, sidewalks or public alleys, dangerous or annoying to persons; and to prohibit and punish the abuse or cruel treatment of horses and other animals in said town.

Fourteenth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses, and to prevent and punish lewd, indecent, and disorderly conduct or exhibitions in said town.

Fifteenth. To prevent the coming into the town of persons having no ostensible means of support, and of persons who may be dangerous to the peace and safety of the town.

Sixteenth. To acquire, by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

Seventeenth. To own, operate and maintain electric light and/or gas works, either within or without the corporate limits of the said town for the generating of electricity and/or the manufacture of gas for illuminating, power and other purposes, and to supply the same, whether said gas and/or electricity be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract with owners of land and water power for the use thereof, or may have the same condemned, and to purchase such electricity and/or gas from the owners thereof, and to furnish the same to its customers and consumers, both within and without the corporate limits of the said city at such price and on such terms as it may prescribe.

Eighteenth. To establish, impose and enforce water, gas, electricity, and sewerage rates and rates and charges for public utilities or other service, products or conveniences, operated, rendered or furnished by the town; and to assess, or cause to be assessed, water, gas, electricity and sewerage rates and charges against the proper tenant or tenants or such persons, firms or corporations as may be legally liable therefor; and the council may by ordinance require a deposit of such reasonable amount as it may by such ordinance prescribe, before furnishing any of said services to any person, firm or corporation.

Nineteenth. Subject to the provisions of the Constitution of Virginia and of this charter, to grant franchises for public utilities under terms and conditions to be fixed by the council.

Twentieth. To divert the channels of creeks and flowing streams and for that purpose to acquire property by condemnation.

Twenty-first. Subject to the provisions of the Constitution of Virginia and of this charter to contract debts, borrow money and make and issue bonds and other evidences of indebtedness.

Twenty-second. To expend the moneys of the town for all lawful purposes.

Twenty-third. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

Twenty-fourth. To provide by ordinance for a system of meat and milk inspection and to appoint meat and milk inspectors, agents or officers to carry the same into effect, within or without the corporate limits of the town; to license, regulate, control and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges therefor; and to provide reasonable penalties for the violation of such ordinances.

Twenty-fifth. To do all things whatsoever necessary or expedient, and to pass all ordinances, resolutions and by-laws for promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce and industries of the town or its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

Twenty-sixth. The council shall have full control and regulation over the public utilities now owned or that may hereafter be acquired by the said town, and to this end it shall have full authority to employ from time to time such employees as it deems necessary to properly maintain, conduct and operate the

same; and it shall have full authority to incur indebtedness, unless otherwise prohibited by law, whenever the said council may deem it necessary for the proper conduct, management and maintenance of the public utilities now owned by the said town, or such as may hereafter be acquired by it; and the council is hereby authorized and empowered to supply electric current to persons, firms, associations and corporations not further distant than fifteen miles from the corporate limits of the town, and to charge therefor for which purpose the said council is specifically authorized and empowered to construct, purchase, lease or otherwise acquire necessary transmission lines, and to purchase, lease or otherwise acquire such rights of ways as may be necessary for such purposes.

The said council shall likewise have authority, by ordinance duly enacted, to compel all owners of real estate within the corporate limits of said town to connect with such sewerage pipes or connections as may hereafter be installed or constructed by the said town, upon such reasonable terms as may be prescribed by said council, together with all other authority necessary to a proper maintenance and operation of an effective sewerage system.

The said council, however, shall have no authority to sell its public utilities, without first submitting the question of such sale at a special election to be called for that purpose only, to the qualified voters of the Town of Front Royal, which election shall be conducted as now provided by general law governing special elections. ~~The circuit court~~ *Circuit Court* of Warren County, ~~or the judge thereof in vacation,~~ shall order such special election upon the petition of two hundred qualified voters of the Town of Front Royal, or upon a resolution passed by a majority of the council of said town. For a period of not less than four weeks prior to said special election, the substantial terms of any proposed sale shall be published over the signature of the clerk of the said town, once a week for four successive weeks in some newspaper published within the County of Warren. The qualifications of voters in said special election shall be determined by existing statutes governing other special elections.

§ 21. Where the council has authority to pass ordinances on any subject, it may prescribe (i) any penalty not exceeding twelve months in jail or (ii) a fine not exceeding ~~\$1,000~~ \$2,500, either or both, *except that for a person convicted for a third or subsequent offense involving the same property committed within ten years of an offense under the Uniform Statewide Building Code's Property Maintenance Code, the fine shall not exceed \$5,000*, for a violation thereof, provided that such penalty shall not exceed the penalty prescribed by general law for a like offense.